

# HOUSE BILL 541

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11r0383

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By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B**  
3 **On- and Off-Sale License**

4 **MC 6–11**

5 FOR the purpose of adding an off-sale privilege to the Class B beer and light wine  
6 license issued for hotels and restaurants in the City of Takoma Park; requiring  
7 that an applicant for the license be approved by the City of Takoma Park  
8 Council before the applicant may be issued the license by the Board of License  
9 Commissioners; and generally relating to Class B beer and light wine, hotel and  
10 restaurant licenses in the City of Takoma Park.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 8–216(d)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 2B – Alcoholic Beverages**

19 8–216.

20 (d) (1) The Montgomery County Board of License Commissioners may  
21 issue, renew, and transfer and otherwise provide for 7 classes of alcoholic beverages  
22 licenses in the City of Takoma Park as follows:

23 (i) **SUBJECT TO PARAGRAPH (2) OF THIS SECTION**, Class B  
24 **[(on-sale)] (ON- AND OFF-SALE)** beer and light wine, hotel and restaurant licenses;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                   (ii)    Class H (on-sale) beer and light wine, hotel and restaurant  
2 licenses;
- 3                   (iii)   Class B (on-sale) beer, wine and liquor, hotel and restaurant  
4 licenses;
- 5                   (iv)    Class H-TP (on-sale) beer license;
- 6                   (v)     Class D-TP (on- and off-sale) beer and light wine license;
- 7                   (vi)   Class A-TP (off-sale) beer, wine and liquor license; and
- 8                   (vii)   Class C-TP (on-sale) beer, wine and liquor license.

9                   **(2)    AN APPLICANT FOR A CLASS B (ON- AND OFF-SALE) BEER**  
10 **AND LIGHT WINE, HOTEL AND RESTAURANT LICENSE SHALL BE APPROVED BY**  
11 **THE CITY OF TAKOMA PARK COUNCIL BEFORE THE APPLICANT MAY BE ISSUED**  
12 **THE LICENSE BY THE MONTGOMERY COUNTY BOARD OF LICENSE**  
13 **COMMISSIONERS.**

14                   **[(2)] (3)**   (i)    The provisions of this paragraph apply only to  
15 Class -TP type licenses.

16                   (ii)    The Prince George's County Board of License  
17 Commissioners shall certify a list to the Montgomery County Board of License  
18 Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion  
19 of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

20                   (iii)   On July 1, 1997, the Montgomery County Board shall issue  
21 Class -TP type licenses to those licensees who were certified by the Prince George's  
22 County Board. License fees may not be charged until May 1, 1998.

23                   (iv)    Unless revoked or not renewed for good cause, the certified  
24 licenses shall continue in existence and be renewed, subject to payment of the annual  
25 license fee.

26                   (v)     The Class -TP type licenses are not transferable to other  
27 locations but are transferable to other persons, subject to the restrictions on similar  
28 transfers for other alcoholic beverages licenses in Montgomery County.

29                   (vi)   Class -TP licenses are subject to the same conditions and  
30 restrictions specified by law or by the Montgomery County Board of License  
31 Commissioners as are other licenses issued by the Board. However, the Board may  
32 waive whatever statutory and regulatory provisions it so chooses for the affected  
33 licenses so that equity, fairness, and reasonableness are achieved.

1 (vii) The Montgomery County Department of Health and Human  
2 Services may not charge an annual fee to the Class –TP licensees until January 1,  
3 1998.

4 ~~[(3)]~~(4) (i) Notwithstanding that Class –TP licensees as of July  
5 1, 1997 are subject to Montgomery County laws and regulations, those same licensees  
6 may retain the particular Prince George’s County alcoholic beverages license they  
7 possessed prior to unification.

8 (ii) The Prince George’s County license shall remain valid in  
9 every sense except that it does not apply to the licensed premises to which the  
10 Class –TP license applies, but is an open–location license. The Prince George’s County  
11 licensee may transfer, to another person or to a new location with the same licensee,  
12 the license into Prince George’s County without statutory or regulatory restriction.

13 (iii) While the Class –TP licensee remains in the same location  
14 where it was located on July 1, 1997, another license issued by Prince George’s County  
15 may not be granted or transferred to another Prince George’s licensee if the premises  
16 for which that license was issued is located within 300 feet of the premises licensed  
17 under the Class –TP license.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 2011.